

United States District Court
Southern District Court of New York

USDC SDNY
DOCUMENT
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DATE FILED: 10/23/13

Victor T.R. Djangmah

Plaintiff,

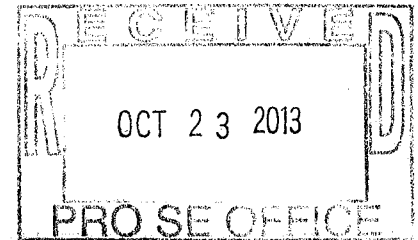
PLAINTIFF'S PROPOSD PRETRIAL ORDER

08 Civ. 4027 (PAC) (FM)

-against-

OFFICER FALCIONE, et al.,

Defendants



NATURE OF THE CAUSE

Mr. Djangmah, "Plaintiff" hereby bring action pursuant to 42 U.S.C § 1983, of unlawful, unwarranted stop, false arrest, malicious prosecution, false imprisonment, excessive use of unwarranted force, infringement of his liberty, life, and pursuit of happiness, nevertheless; a clear violation of his Fourth, Fourteenth Amendment Rights, and the bill of Rights.

1. JURY/GRAND JURY

Plaintiff hereby, requests the Court to allow grand jury hears his testimony before the panel. However, plaintiff anticipates several days but two days is not enough to prepare for trial.

2. PLAINTIFF'S PROPOSD STIPULATED FACTS

Plaintiff proposes to stipulate to the following facts:

1. By way of brief background, on or about late night and early morning hours of December 12th to 13th, 2007 as plaintiff exercise his unalienable rights of life, liberty, and pursuit of happiness in his private conveyance.
2. Officer Falcione and Co-Defendants' assumed with No lawful warrant and under probable cause have no legitimate excuse to unlawfully stop plaintiff.
3. Plaintiff was pulled over by a silver late model unmarked vehicle, believed to be a law enforcement with an emergency red flashing light on center of dashboard. While giving a mutual friend a ride home.
4. Defendant's 'Officer Falcione with his partners approached plaintiff's vehicle. Neither Defendant nor Co-Defendant introduced themselves as Peace officers.
5. Officer Falcione first initial question to plaintiff was "how much are you buying"
6. Plaintiff did not acknowledge defendants' question as to what that means; however second John Doe, on passenger side interrupted by asking how much horsepower is the vehicle; while John Doe 2, also asking me as to what am doing the Bronx in this area with a New Jersey Plates.
7. Plaintiff respectfully and comely responded to having the authority to possess that vehicle as is a family vehicle.
8. Plaintiff was ask to produce documentation for the vehicle, as Partner checks and verified his documentation.
9. Plaintiff was ordered to step out of his private conveyance and ordered to the back of vehicle while plaintiff's passenger was search and was asked to leave the area.
10. As plaintiff friend and bystanders watch; was going to be a heinous, unforgettable evening of plaintiff's night.
11. As plaintiff's friend was instructed to exit the vehicle, Plaintiff requested politely to Defendants' to identify themselves.
12. Plaintiff then was pulled out of his private 'vehicle' by defendants' and ordered to the back of his car by instructing plaintiff to place both hands on defendants' hood of their vehicle.
13. John Doe 1 & 2 proceeded to unlawfully without plaintiff consent search his vehicle; plaintiff clearly voices his rights to not be searched under the Fourth Amendment.

14. Defendants' response was "I don't care I can do what want we are in charge" at which point Defendant Michael Falcione told his partners he is clear.
15. John Doe 1 had a long tool believed to be approximately 11 to 12 inches and attempted to break through my trunk.
16. Plaintiff tried to point towards the direction of vehicle trunk release.
17. At which point, plaintiff's head was smashed against the hood and pinned against and was cuffed, not only the opposite of the cuffed but improperly and other defendant started to twist plaintiff's wrist upward.
18. Plaintiff due process was violated; with respect to his first, fourth, Fifth eighth and the fourteenth Amendments' to the United States Constitution.
19. Plaintiff became hysterical, screaming and yelling for help as he feared for his life at which defendants' proceeded to shut plaintiff down by hitting plaintiff in the ribs and started to take turns to kick plaintiff on the ground.
20. Plaintiff observed a higher ranking officer that told Plaintiff "Shut the fuck up" and proceeded to assault plaintiff with the excuse of searching for coke.
21. Plaintiff's testicles were squeezed till he almost passed out by giving them their silence. He was put in the back sit of the police vehicle and slammed the door on plaintiff several times.
22. Plaintiff was in extreme excruciating pain. Plaintiff continued to yell to have them open and adjust his leg and the cuffs.
23. Plaintiff was dragged from the end of the other door with the cuffs directly on the cold concrete floor on that freezing night as bystanders watch and chant to stop abusing me physically.
24. Plaintiff was subsequently transported to St. Barnabas Hospital. Plaintiff was further assaulted on the way to the hospital by twisting plaintiff ankle as EMT lady take vital signs.
25. Defendants did not disclose to the doctor of the alleged assault and gruesome brutality they have done to plaintiff. Defendants' told hospital staff to just clean plaintiff off.

3. PLAINTIFF'S CONTENTIONS

Plaintiff Djangmah sets forth the following defenses:

1. Officer Falcione and 'Co-Defendants' cannot show that defendant' did have authority under the law to unlawfully arrest plaintiff.
2. Defendants' cannot show
3. Defendants' cannot show that plaintiff possess some sort of a weapon upon searching him against his will, when he was first dragged out of his private conveyance.
4. Officer Falcione cannot show that plaintiff had a realistic opportunity of escaping to use excessive force after his been cuffed and in close proximity with several other defendants'.
5. Plaintiff had every right to resist any unlawful arrest from his aggressor." It is the law of self-defense and self-preservation that is applicable. "One has and "unalienable" right to protect his life, liberty, or property from unlawful attack or harm. Adarns v. State, 121 Ga 163, .E. 910 (1904)
6. Plaintiff's common contentions with respect to as this incident could be avoided that night. However; it is a serious thing to arrest someone, and is more serious thing to search his person; and he who accomplishes it, must do so in conformity to the law of the land
7. Plaintiff further attests that there are two reasons for this; his opinion and many others as practically. One, to avoid bloodshed, and the other to protect, preserve the liberty of the citizen. Therefore, Officer Falcione and Co-defendants' are NOT exempt from its mandates.
8. Defendant's Falcione and Co-defendants cannot use immunity as a defense to justify what they did to plaintiff simply because they did not at any point in time act in the scope of their limited authority.
9. Defendants' cannot show he had a reason to believe other than his personal opinion that Plaintiff had committed some sort of a crime or his automobile to have geared motivation to use excessive force.

10. Officer Falcione cannot prove or show that he did not understand what "Due Process" is as a Peace officer who claims to know and enforce the law.
11. Defendants' cannot show and prove that as plain cloths officers, they never took the oath of office and that they belong to a special elite group or untouchables with special privileges.
12. Officer Falcione and co-defendants' have in clear language as a matter of law violated Plaintiffs rights in every way from Due Process, to Bill of Rights, and privileges and immunities under the constitution and all laws of the United States and State of New York and all political subdivision thereof further more to over throw the United States Government.

4. ISSUES TO BE TRIED

Mr. Djangmah, "Plaintiff" several unanswered issues as to defendant sole issue is to what authority does defendant have or possess to use unimaginable, unwarranted use of unnecessary force when clearly Plaintiff did not have any sort of weapon on possession and did not commit a crime.

Officer Falcione and co-defendants does not have unlimited authority and unfettered discretion above any law to carry out their duties. For instance, you cannot legally be subjected to a search of your person or your property without reasonable suspicion or a warrant.

Plaintiff excising his life, liberty in his own private conveyance at that hour of the night is not a reasonable suspicion to go after anyone, as per the law as he took an Oath of office only to protect, preserve and defend is Defendants main Job description, of why he choose to serve. Defendants' had plenty of time on their hands at which point I was presumed cleared with my license to let me free. Officer Falcione and partners including their high ranking officer not only choose to torment me as "do you know who Diallo is; as they took turns to assault me.

Plaintiff will also show that it's not the first time. As a pardon with Officer Falcione having assaulted others to the cause of dead with his partner and was supposedly placed on desk duties.

Plaintiff will also show that defendant' has a major problem during the end of the year; with respect to either financial problem, emotional or work related. Defendant is liable for the use of unwarranted, unnecessary force where he and co-defendants observed, participated and fails to intercede.

5. PLAINTIFF'S EXHIBITS

- A. Recent certified copies of plaintiff medical records from New Bridge Services, Inc.
- B. Plaintiff also reserves the right to use any exhibits entered into evidence by defendant.

7. PROPOSED STIPULATIONS AND OBJECTIONS TO EXHIBITS

Plaintiff Djangmah proposes to not stipulate copies of plaintiff medical records and other institutions' plaintiff sort help in recovery process. They are all certified and true copies from plaintiff doctor.

PLAINTIFF WITNESS LISTS

- | | | |
|-------------------------|---|----------------------------|
| 1. Victor T.R. Djangmah | - | Plaintiff |
| 2. Arlene Miskar | - | Spouse |
| 3. Roger Djangmah | - | Brother |
| 4. Lydia Laryea | - | Auntie |
| 5. Ruth Aryee | - | Mother |
| 6. Devon Chambers | - | Eye Witness Friend |
| 7. Eli Ivan | - | Witnessed and photographed |

PLAINTIFF 'S MOTIONS IN LIMINE

Motion to include all evidence of prior CCRB, or IAB complaints, Work log book, and Facebook records against defendant Falcione.

RELIEF SORT

In the interest of justice, Due process is the legal requirement that the state must respect all of the legal rights that are owed to a person. When a form government harms a person without strictly following legal requirements, this alone constitute a "Due Process violation".

However, documentations such as the Bill of Rights, The congressional records, Civil Rights Acts clearly show in plain English language, as plaintiff did not write these laws. It cannot be clearly emphasized enough without reasonable doubt that reasonable impartial juries will hear the evidence presented to them as fellow people.

Plaintiff's prayer relief sort is solely in the hands of the juries. Where taking into account as to what transpired for 'Defendant' Falcione and partner with several officers to infringe upon his life, liberty, and pursuit of happiness, without due process of law. Plaintiff's also pray that what happen to him on late night of December 12, 2007; that no one deserves to be treated as "Defendant/s' Officer Falcione did to Plaintiff. As juries are presented with the law of the land and, Not Corporate law. Finally, request relief sort from defendants' to apologize to plaintiff.

By: 

Victor T.R. Djangmah, Sui juries
"All rights Reserve"

Cc:

Pro Se OFFICE
United States District Court
Southern District Of New York
500 Pearl Street
New York, NY 10007

Patrick Beath, Esq.
Assistant Corporation Counsel
100 Church Street
New York, NY 10007.



NewBridge Services, Inc.
PSYCHIATRIC PROGRESS NOTES

Client Name: Victor Djongach Case No. 824785 DOB 2/28/72

10/15/10 - Psych eval done. Pt - 1.5
Appropriate for PC. Albany

10/20/10. Pt seen for follow-up. Given pt med counseling & med
education. Denied any problem at home. Denied halluci-
dell, STIBS. Appetite good, sleep good. Mood stable.
Continue taking med on percival & MC 4 wks. -- @
Mulla

10/29/10. Called medication & stated that this med is not
need for authorization. Pharmacy made code as a strictly
for nursing home & need to charge. Called pharmacist
& stated will corrected. To be perform Dr-T. -- @/Dr-T

11/17/10. Pt no show / no call -- @/Dr Talbo

12/10/10. Seen client as Dr. Talbo not sick -
NO SI/HT - depressed in court cases -
attending program. Has enough Depakote
liquid - takes Zantac as it gives him
heartburns. Script given for Serenel.
Encouraged client to make new appt
with Dr. Talbo. Paula 1000000 APR



MEDICATION ORDERS

PATIENT'S NAME: VICTOR DJANBAH ^{XX} DOB 2/28/12 CASE # 824785AXIS I SOME ALLERGY PenII _____ PHARM.# (973) 839-3400

III _____ M.D. _____

OTHER MEDICATIONS _____

DATE	MEDICATION	SIDE EFFECTS	DOCTOR'S NAME
1/28/11	2011 Depakote level LFT		Jalby
	Rt. blood work		
2/16/11	Rt#1 - Depakene Luguel 180mg tabs. Eti pro-bic #30 X 1R D/C Luguel XR 150mg		Jalby
3/18/11	Depakene 250mg tabs Rt#1 - Luguel 150mg tabs		
4/15/11	D/C Depakene tabs. D/C Luguel Depakene Susp. 250mg / 500mg BID Rt. lab work Depakene level LFT Lipid Abuse Drug Screen Hepatitis HIV		Jalby



NewBridge Services, Inc.

MEDICATION ORDERS

PATIENT'S NAME: VICTOR DJANG, MATT DOB 2/28/72 CASE # 824785

AXIS I PTSD, MDD w/ psychotic features PCN
ALLERGY CNS - Hanting Phe -

II Depend PHARM.# 9731839-340 Wayne

III Fx of ankle by lary M.D. _____

OTHER MEDICATIONS None

DATE	MEDICATION	SIDE EFFECTS	DOCTOR'S NAME
10/15/10	Rx from NBI-OP (Muk. Orth. Israel) - Prozac XR 50mg 2 pr. h.s. - Dephene 250mg susp. has 2 tsp. Bros supply		
10/20/10	Prozac XR 50 mg 2 pr. # 60 NR - Has supply of Valproic Syrup 250mg/cc - 4 cc in home		
12/15/10	Revised Prozac XR 50 mg 2 ho. # 60 Valproic Syrup 1 has Syrup 250mg Bros - Continue same rx (2011)	9/10/11 (see fax) 12/10 by P. J. D. M. X 1 R	
1/28/11	Prozac XR 150 mg once # 30 - Valproic Acid Syrup 250mg/cc Bottle - Dephene 250mg 2 pr. Bros # 120		

Client's Name:
Case No.:
Psychiatrist:
Date:

Victor Djangmah
324785
N.B. Talbot MD
4/15/11

Lab Work _____
Physical _____
AIMS completed _____

I. Present Complaint: When asked how he is doing
he said "so so. I forget my appts. My
mood goes up & down"

II. Course of Treatment (including psych/medical, hospital, legal, or social problems):
pt has had periods of anxiety &
pts. Has not been attending PC regularly.
Has not been taking meds as prescribed.
Has been taking care of his legal problems.
Tried to work but was fired. NO
income. Has lost G-1234. Has denied
substance abuse.

III. Current Mental Status:
Alert, ambulatory & oriented to
place & appropriately dressed. Clean
shaven. Affect - flat. Lab approx
normal. Mood - depressed. He has had
up & down depends on how he feels.
denies. No suicidal. No homicidal. No
delusions. Denies - guilty. No recent
drugs.

IV. DX - DSM IV Axis I MDD, recurrent
PTSD
Axis II Dependent Personality Abuse
Axis III Schiz
Axis IV Legal problems
Axis V 45

V. Recommendation and Treatment:
1) Continue PC attendance 2-3 x/week
2) Continue psychopharmacotherapy
3) Medication consultation
4) Risk lab work & Pap smear sent
5) Outpatient
M. Talbot MD
Psychiatrist's/APN's Signature
Date 4/15/11



NewBridge Services, Inc.
PSYCHIATRIC PROGRESS NOTES

Client Name: Victor Djang Mab Case No. 324785 DOB 2/28/72

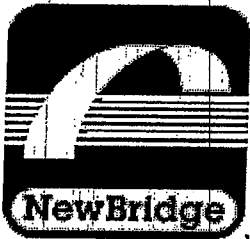
12/15/10. Pt seen today for emergency visit. "I was pulled over by a cop" as he reported. Claiming he was using pot 3-4 wks ago. Advice pt not use or take drugs, especially if he taking med. Denied any side effect of med. But pt med counseling + med education also informed him need to attend PC program. Pt stated hearing voices but denied SI/HI. Continue taking med as prescribed. Serenol XR 50mg 2hs; Valproic Syrup 250mg TID. MC 4 Wks @ Mab Mab

1/14/11 - Failed Mab Mab

1/21/11 - Failed Mab Mab

1/28/11 - Pt. seen today. Alert, ambulatory & oriented x3. Calm + cooperative. Stated that he has been busy w/ his legal problems & he has also been looking for a job. He is still feeling stressed w/ difficulty focusing and his J-f said that he is still easily angry although he does not realize this. He denied SI & HI. Denied call. + kill. He claims to be taking his med. He feels the law firm has been helping him sleep but requested an inc. because his body is getting used to it & he had to take an extra pill to help him sleep. He has not been taking the Dephene as

Mab Mab



NewBridge Services, Inc.
PSYCHIATRIC PROGRESS NOTES

Client Name: Victor Djangreh Case No. 824785 DOB 2/28/72

10/15/10 - Psych eval done Pt - 15
Appropriate for PC. [Signature]

10/20/10 - Pt seen for follow-up. Give pt med counseling & med
education. Denied any problem at home, Denied hall/
del, ST/HI. Appetite good, sleep good. Mood stable.
Continue taking meds on prescribed & PC 4 wks - @
[Signature]

10/29/10. Called medicid & stated that this med is not
needed for authorization. Pharmacy made code at a strictly
for nursing home & need to charge. Called pharmacist
& stated will corrected. To be enforce Dr-T. - @/Dr T

11/17/10. Pt no show / no call - @/Dr Talbo

12/15/10 - Pt seen today for emergency. Pt stated that
he got pulled over by a cop, also pt claimed that he is not
taking meds but then he was not 3-4 wks ago or he
reported. Advice pt to not to use drugs, especially if he's
taking meds. Also advised him to keep coming/attending
to PC program. Denied Depression, but claiming was
hearing voices. Denied ST/HI. Give pt med counseling
& education. Continue taking meds on prescribed.
Seroquel XR 50 mg 2hs, Valproic Syrup 250 mg TID
Denied any side effect of meds. PC 4 wks - @
[Signature]



NewBridge Services, Inc.
PSYCHIATRIC PROGRESS NOTES

Client Name: Victor Djangreh Case No. 324785 DOB 2/28/72

1/28/11 (Cont'd)

as prescribed - He has only been taking it on the evenings. Rec. to take it as prescribed and to take the pills instead of the liquid since he complained of upset stomach when he takes it. Also explained the need for Dephato level in lab blood for it to work. Pt. agreed to the pills.

Also ordered blood work, Dep. level & FT. Denied substance abuse.

Reminded of the dangers of combining drugs, alcohol & meds. RTC - 8 wks. R/bony

2/11/11 - Further appt. R/bony

2/16/11 - "I'm having problem & my medicaid is not covered" as pt reported. Denied any problem at home. Still feeling depressed, mood stable. Denied SI/HI. Not sleeping good; appetite good. Denied any substance abuse or drinking alcohol. Give pt med counseling & med education. Recommended to have BW done for Dephato level. Continue taking med as prescribed. RTC 8 wks. AW
me/bony



NewBridge Services, Inc.
PSYCHIATRIC PROGRESS NOTES

Client Name: Viator Djams meh Case No. 824785 DOB 2/28/72

3/18/11 - Pt. was late for his appt. Claims he had a call to report for work & had to go back & change ~~(from)~~ into his uniform. Pt. denied dep-B5 & H1. No bill & del - Complaint of difficulty focusing & being forgetful. Denied any side effects of meds. Denial on side meds. PTC - 4 wks. Subst.

4/15/11 - Pch. Update done. Not taking meds as prescribed. Stopped working b/c he has been fired for being late & not coming to work regularly. DTC Disruptive due to poor compliance & to drive her. Compld. in Dephen but charged to jail. Pt. can't swallow big pill. PTC - 12 wks. Sub work requested. Subst.

4/19/11 - Returned p.c. of Story - SW. from Public Defender's Office in Coner. L.H. Subst.

4/19/11 - Social Worker Story A - returned p.c. Stated that they need a written report on the treatment & progress for his defense lawyer. He has been charged w/ threatening & harassment. Did not give name of person who charged pt. - written report received 4/18/11

will report to Subst.
Andres before responding Subst.

Orientation X3
Appearance Medium height, well dev, well rounded
Interview Behavior Calm, pleasant + cooperative
Mood Feels very depressed, with dream, likes to drive by himself
Affect Appropriate
Speech Spontaneous, coherent + relevant
Thought Process Organized
Illusions Denied
Hallucinations - Does not know, at times he hears voices yelling
Phobias - Needles Has horrible dreams. Preoccupied at times with legal problems
Obsessions - "Denied"
Compulsions - "Denied"
Delusions - Feels people are going to attack him
Suicidal/Homicidal Ideas -
Sensorium - Alert
Memory - Recent Decreased
Remote Decreased
Attention & Concentration Decreased
Judgment - Fair
Estimated Intelligence average - Has 2 yrs. college
Insight fair

Diagnosis (DSM-IV):

Axis I PTSD
Axis II Major Depressive Dis. Single Episode w/ PM -
Axis III Fracture of L1 while on tx Alcohol features
Axis IV Incarceration, legal problems
Axis V 45

Client's Assets to be utilized in Treatment (including their expressed interests, strengths and goals):

- ① Cooperative + motivated
- ② Family support
- ③

Recommendations:

- ① Attend PC 3-5x/week
- ② Psychopharmacotherapy
- ③ Substance Counseling + monitoring

Carl Brown 10/15/10
Psychiatrist/APN's Signature Date



NEWBRIDGE SERVICES, INC.
INITIAL PSYCHIATRIC EVALUATION

324785

Client's Name: Victor Djangmah
Case Number: 324785
Psychiatrist: N. B. Talbot MD
Date: 10/15/10

Identification: Pt. is a 38 yr. old, Ghanaian M.
who appears his stated age

Presenting Symptom/Problems: "Racing thoughts, I can't focus
I used to hear voice, 2 days it came
back."

History of Present Illness: Pt. said that he has been having
the above symptoms for 2 yrs. It started with
he was detained in N.Y.C. when he was pulled to
the side by the police & was searched. In the process
he said that he was beaten up & he was charged with
many false charges. He was brought to the hospital
his physical injury & while there, they took blood
& it was negative. So when he went to court the judge
dismissed the charges. (Owner)

Past Psychiatric History & Family Psychiatric History: No previous psych treatment other than 1 day
above. Denies psych. drug or alcohol by
his family. Pt. came to US in 1992 as a
permanent resident. Was filed for citizenship but he did
not go for the ceremony in the 1st time. He filed the 2nd
& he missed the date of filing. Parents are divorced - since
pt. was 17. Mother lives in US & father lives in Ghana. He has 2 bro.
Legal or Social Problems: 1st, 2 sisters. Pt. was married & divorce 2 bro.
stated above. Attended Pt. was a g f & pt. sent a woman
2 yrs. college in US. Worked in restaurants & hotel & is a union
member. Has not been able to find work. He is receiv-
ing marijuana by unemployment. He has no cash
age 19 - (used in cooking at home) Denies alcohol abuse. No other
drugs.

Developmental Milestones:

No known dev. problems.

Pt. was born premature - 3 mos.

Past & Current Medical History (Allergy, Infectious Diseases, TB, HIV, etc.) and current meds:

Was stabbed on the stomach in 1997 during a car jacking
of his car. S/P of fracture of (L) ankle. Not often medical
problem. Allergy - penicillin, dust & PCN - Head injury & surgical
debridement. (2 seizures while in detention in Texas) No other
seizure. No tx. Takes vitamins

He was then charged w/ violation: possession of marijuana w/c was in 2007. He was then shipped to Pa + then to Texas bec. he was an immigrant + not a US citizen. They were trying to deport him but bec. he had family here + he has been here since 1992 he just served time in Texas for 22 mos.

He went on a hunger strike for 17 days + finally they released him bec. also his country was not accepting deported citizens. He has been having flashbacks of ~~the~~ his ordeal in the jails. He was released 10/15/09. - He went to Hackensack

for consultation + he was referred to NYC where again he was kept at NYC Prison for 10 mos. He was to be Respected Depabate. He was referred to Bill Tormel for follow-up where he was given

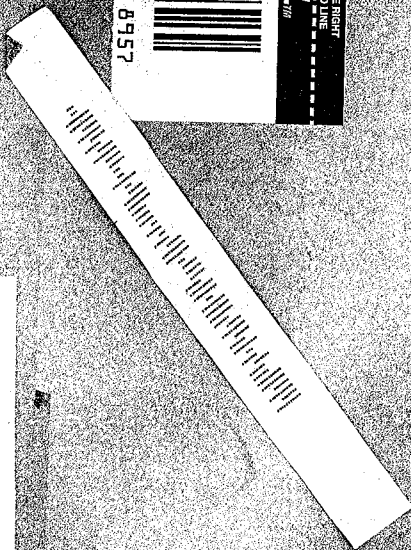
Respectal + Zypre He stopped the Zypre bec. it was making him too drowsy. He was then referred to AB since he lives in Princeton.

Legal (cont'd)

He filed a lawsuit against the NYC Police Dept.

824785

08 Civ. 4027 (PAC)(FM)
Victor T.R. DJANGMAH
12 POST Lane
Riverdale, NJ 07457



USM
SDN

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